

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

RICHARD MOONEY,

Plaintiff,

v.

ROLLER BEARING COMPANY OF  
AMERICA, INC.,

Defendant,

v.

WELLS FARGO BANK NA,

Garnishee-Defendant.

CASE NO. 2:24-mc-00002-LK

ORDER DENYING APPLICATION  
FOR WRIT OF GARNISHMENT

This matter comes before the Court on Plaintiff Richard Mooney's Application for Writ of Garnishment. Dkt. No. 1. The application is denied without prejudice to renew.

"Garnishment is a statutory remedy that requires strict adherence to the procedures expressly authorized by statute." *Watkins v. Peterson Enters., Inc.*, 973 P.2d 1037, 1043 (Wash. 1999). Section 6.27.090(2) of the Revised Code of Washington allows "a garnishment attorney fee in the amount of the greater of one hundred dollars or ten percent of (a) the amount of the judgment

1 remaining unsatisfied or (b) the amount prayed for in the complaint. The garnishment attorney fee  
2 shall not exceed three hundred dollars.” Plaintiff seeks a garnishment attorney fee of \$500, which  
3 exceeds the statutory maximum. Dkt. No. 1-2 at 2. This is not the only shortcoming in the proposed  
4 writ, which also cites the incorrect subsection of the relevant statute. *Id.* (citing Wash. Rev. Code  
5 § 6.15.010(1)(d)(ii)(A) instead of § 6.15.010(1)(d)(iii)(A)); *see also* Wash. Rev. Code  
6 § 6.27.100(d) (form of writ).

7 In addition, Plaintiff’s proposed Writ of Garnishment commands Wells Fargo Bank N.A.  
8 “to answer this writ by filling in the attached form according to the instructions in this writ and in  
9 the answer forms[.]” *Id.*; *see* Wash. Rev. Code §§ 6.27.100(1), 6.27.190; *see also* Wash. Rev. Code  
10 § 6.27.070 (“[T]he clerk . . . shall immediately issue and deliver a writ of garnishment . . .  
11 commanding the garnishee to answer said writ *on forms served with the writ* and complying with  
12 RCW 6.27.190 within twenty days after the service of the writ upon the garnishee.” (emphasis  
13 added)). However, no answer form is attached to Plaintiff’s Proposed Writ of Garnishment. *See*  
14 *generally* Dkt. No. 1-2. The application is therefore DENIED without prejudice. *See, e.g., Pac.*  
15 *Coast Shipyards Metal Trades Tr. Fund v. Pac. Ship Repair & Fabrication, Inc.*, No. 2:23-mc-  
16 00060-LK, Dkt. No. 2 at 2 (W.D. Wash. Aug. 9, 2023) (denying application for writ of garnishment  
17 where plaintiff failed to attach answer form); *Nw. Adm’rs, Inc. v. CY Expo LLC*, No. 2:23-mc-  
18 00051-LK, 2023 WL 4363674, at \*1 (W.D. Wash. July 6, 2023) (same).

19 These may not be the only shortcomings in Plaintiff’s application, but the Court need not  
20 scour the record any further. Plaintiff may file an amended application by February 20, 2024. If  
21 the Court does not receive an amended application by that date, it will direct the Clerk to close this  
22 matter.

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1           These errors have unnecessarily multiplied the proceedings in this case. Future errors may  
2 result in the imposition of sanctions.

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4           Dated this 19th day of January, 2024.

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7           Lauren King  
8           United States District Judge  
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